

FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JAN 13 2012

CLERK, U.S. DISTRICT COURT

By CTF
Deputy

CAUSE NO. 3:11-CV-1478-M(BK)

This is a notice from the U.S. District Court in Galveston, where Austin originally filed his §2254. Austin was requesting an extension to file his writ. He told the Court he had been in juvenile lock-up and did not have adequate access to a Law library.

This was another attempt to file a writ before , or as close to the deadline as he possible could.

Austin has been diligent in his attempts to gain proper access to the Court.

EXHIBIT NO. 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

To: Aush D Eversal, TDC # #1626507

Re: _____

From: DAVID J. BRADLEY, CLERK
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS
P. O. BOX 2300
GALVESTON, TX 77553

Your materials are being returned to you for the following reason:

- ☐ Your materials are incoherent/unintelligible.
- ☐ Your pleading must bear a civil action number.
- ☒ The Court is unable to grant relief unless requested through proper motion in a pending case. If you wish to bring your complaint to the Court's attention by way of a civil rights suit or a habeas corpus petition, you may request the proper forms from the Clerk.
- ☒ A motion cannot be filed until you have a case pending in this Court.
- ☐ The Clerk can only file instruments which pertain to cases filed in this Court.
- ☐ Due to the number of forms requested and in order to best utilize judicial resources, we ask that you provide a list of all proposed defendants' and plaintiffs' names, so that the appropriate number of forms can be sent to you.
- ☐ The Clerk's Office is not responsible for forwarding personal mail to other agencies. It is **your** responsibility to properly mail documents to the appropriate agency. The Clerk's Office can only accept documents for filing which pertain to U.S. District Court cases in the proper division in which a case is pending.
- ☐ The Clerk's office is unable to render legal advice. You should refer to the law books maintained in the institutional library or writ room of the unit in which you are confined.
- ☐ The Court has furnished the Local Rules to the institutional library or writ room. Other copies of the Local Rules may be obtained upon payment of **\$0.10 per page**, or **\$3.80**, in advance, in the form of a Cashier's Check or Money Order made payable to the **United States District Court**. **No personal checks will be accepted.**
- ☐ Other:

DONE at Galveston, Texas, this the _____ day of _____, 20_____.

DAVID J. BRADLEY, CLERK

By:

Deputy Clerk 2

Austin D. Eversole #1626507
Clemens Unit
11034 S. Hwy 36
Brazoria, Tx 77422

United States Courts
Southern District of Texas
FILED

The United States District Court
For The Southern District of Texas
Galveston Division
601 Rosenberg, Room 411
Galveston, Tx 77550-1799

May 4, 2011

MAY 06 2011

, Clerk of Court

RE: EXTENSION ON FEDERAL WRIT §2254

Dear Clerk:

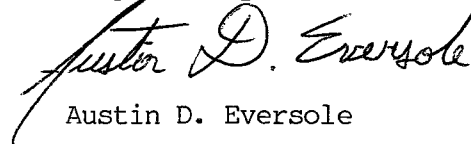
I am currently incarcerated on the Clemens Unit of the Texas Department of Criminal Justice in Brazoria County, Tx. I am writing in regard to and extension on a filing date for a §2254.

I have not filed yet, but I have run past my time for submitting my claim. I have been in juvenile lock-up and have not had adequate access to a law library. I need a 90-day extension to file my §2254. I do not have a docket number yet, but will still need an extension.

Date Sentenced: March 2, 2010.

Without this extension I will not be able to file my claim. Your help in this matter is sincerely and greatly appreciated. Thank You.

Respectfully,


Austin D. Eversole

JAN 3
CEPS

LEGAL

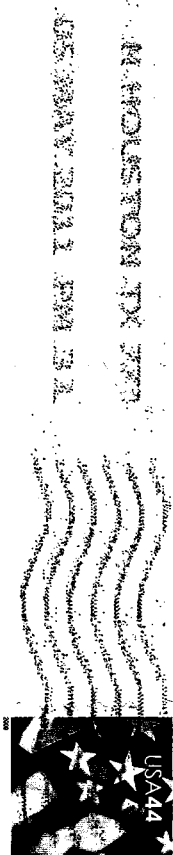
Austin D. Eversole #1626507
Clemens Unit
11034 S. Hwy 36
Brazoria, Tx 77422

To The Clerk of
The United States District Court
For The Southern District of Texas
Galveston Division
601 Rosenberg, Room 411
Galveston. Tx 77550-1799

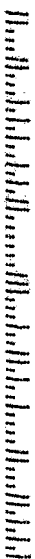
United States Courts
Southern District of Texas
FILED

MAY 06 2011

Clerk of Court



77550+1736



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

CAUSE NO. 3:11-cv-1478-M(BK)

These are lay-in passes for the law library. They are scheduled for fifteen (15) minutes in length. Law library officials have allowed Austin to remain in the law library for longer than 15 minutes—However, officers who work the doors are unwilling to allow Austin to go, and often harass, heckle, and/or deny him the opportunity (see exhibit ____).

The fifteen minute time length has the unwholesome effect of making it very difficult for inmates to get to the Law Library.

Law Library officials are responsible for typing the times on the lay-ins.

EXHIBIT NO. 2

TDCJ - INSTITUTIONAL DIVISION
OFFICIAL LAYIN PASS
ADMINISTRATIVE

EFFECTIVE DATE: 11/05/2011

FROM-TO TIME: 04:15-04:30

START DATE: 11/05/2011 END DATE: 11/05/2011

ADMIT: 01626507 EVERSOLE, AUSTIN DYLAN

REASON: LAW LERY-SAT HOUSE: 01T-033

JOB: OFF

EDUC:

COUNTROOM: NB

TITLE: CLK

only 15 min

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION.

CAUSE NO. 3:11-cv-1478-M(BK)

This is a law library lay-in for 1-6-12. The time is from 1300-1315. There was no law library session at 1300-1315. When Austin attempted to honor the lay-in he was harassed by Officer Sargent. She cussed at him and belittled him (grievance pending). When Officer Sargent called the law library supervisor that day she was informed that the lay-in time was a "typo."

Austin's real time had been scheduled to coincide with a spiritual lay-in he had with the church choir. Law Library officials Mogford and Gadiosik told Austin he "had to choose" which one he wanted to go to.

EXHIBIT NO. 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CAUSE No. 3:11-CV-1478-M(BK)

This is a poster sign tapped to the wall along the main hallway in Clemens, on or around December 17, 2011. It is routine practice for general population inmates and Y.O.P. inmates to be afforded the opportunity to assist each other in chapel services. A review of records will also show that GP and YOP inmates are placed in the same classrooms together for scholastic assignments in Windham School District.

EXHIBIT NO. 4

CHOIR CONCERT
IN CHAPEL

12:00 CALL OUT
FOR YOP AND GP

12:30 CHOIR BEGINS
13:30 CONCERT ENDS

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

CAUSE NO. 3:11-cv-1478-M(BK)

A.D.E.

Grievance Officer Rodriguez

This is an I-60 to ~~Mailroom Supervisor Romer~~ Austin is requesting a notification from the mailroom regarding them opening his legal mail and sending it through regular unsecured mail procedures. Austin is entitled to this notification, and it is supposed to be issued automatically, per the Open Records Manual of the TDCJ.

EXHIBIT NO. 5

I was never issued a notification by the mailroom. My legal mail was sent to me through regular mail, after the mailroom opened and read my legal documents. Thank you.

- Sincerely,

Austin D. Eversole

Name: EVERSOLE, AUSTIN D.

No: 1626507

Unit: CN-005

Living Quarters: 1TANK - 33 BUNK

Work Assignment: STOCK CLERK LAUNDRY

DISPOSITION: (Inmate will not write in this space)

Your Copy

INMATE REQUEST TO OFFICIAL

REASON FOR REQUEST: (Please check one)

PLEASE ABIDE BY THE FOLLOWING CHANNELS OF COMMUNICATION. THIS WILL SAVE TIME, GET YOUR REQUEST TO THE PROPER PERSON, AND GET AN ANSWER TO YOU MORE QUICKLY.

- | | |
|---|---|
| 1. <input type="checkbox"/> Unit Assignment, Transfer (Chairman of Classification, Administration Building) | 5. <input type="checkbox"/> Visiting List (Asst. Director of classification, Administration Building) |
| 2. <input type="checkbox"/> Restoration of Lost overtime (Unit Warden-if approved, it will be forwarded to the State Disciplinary Committee) | 6. <input type="checkbox"/> Parole requirements and related information (Unit Parole Counselor) |
| 3. <input type="checkbox"/> Request for Promotion in Class or to Trusty Class (Unit Warden- if approved, will be forwarded to the Director of Classification) | 7. <input type="checkbox"/> Inmate Prison Record (Request for copy of record, information on parole eligibility, discharge date, detainees-Unit Administration) |
| 4. <input type="checkbox"/> Clemency-Pardon, parole, early out-mandatory supervision (Board of Pardons and Paroles, 8610 Shoal Creek Blvd. Austin, Texas 78757) | 8. <input type="checkbox"/> Personal Interview with a representative of an outside agency (Treatment Division, Administration Building) |

TO: Ms. Rodriguez (U.G.I.) DATE: 10-19-11
(Name and title of official)ADDRESS: CN-005

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CAUSE NO. 3:11-cv-1478-M-BK

This was an I-60 request to the parole office in Austin, Tx. The request was for a time-cut packet, which Austin has a right to. The I-60 has numerous addresses listed on its front that specifically instruct inmates to send the I-60 to the appropriate official.

Austin checked the correct box and wrote the address. The mailroom intercepted the I-60 and returned it with a note to "go to Law library."

Austin wrote another I-60 to ATCS Mogford. She informed him he had to mail the request. This is in conflict with the I-60 instructions. This is yet another restrictive practice on the Clemens Unit that hinders and discourages good-faith use of access to courts right.

EXHIBIT NO. 6

SUBJECT: State briefly the problem on which you desire assistance.

Mrs. Mogford:

The Mailroom will not let me write to Austin for a Time-cut Packet, (see I-60). Can you please help me?

Thank you and God Bless!

-Sincerely,

Austin D. Eversole

Name: EVERSOLE, AUSTIN D. No: 1626507 Unit: CN/005
 Living Quarters: 1 TANK-33 BUNK Work Assignment: LAUNDRY 1ST

DISPOSITION: (Inmate will not write in this space)

If you write to Parole in Austin (or any Parole address of unit) you must mail it to them US Mail, gm

☆I-60 (Rev. 11-90)

P.S. There are Commutation guidelines in the SCFO Handbook here in Law Library.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE — INSTITUTIONAL DIVISION

INMATE REQUEST TO OFFICIAL

REASON FOR REQUEST: (Please check one)

PLEASE ABIDE BY THE FOLLOWING CHANNELS OF COMMUNICATION. THIS WILL SAVE TIME, GET YOUR REQUEST TO THE PROPER PERSON, AND GET AN ANSWER TO YOU MORE QUICKLY.

1. ☐ Unit Assignment, Transfer (Chairman of Classification, Administration Building)
2. ☐ Restoration of Lost overtime (Unit Warden-if approved, it will be forwarded to the State Disciplinary Committee)
3. ☐ Request for Promotion in Class or to Trusty Class (Unit Warden- if approved, will be forwarded to the Director of Classification)
4. ☐ Clemency-Pardon, parole, early out-mandatory supervision (Board of Pardons and Paroles, 8610 Shoal Creek Blvd. Austin, Texas 78757)
5. ☐ Visiting List (Asst. Director of classification, Administration Building)
6. ☐ Parole requirements and related information (Unit Parole Counselor)
7. ☐ Inmate Prison Record (Request for copy of record, information on parole eligibility, discharge date, detainees-Unit Administration)
8. ☐ Personal Interview with a representative of an outside agency (Treatment Division, Administration Building)

TO: Mrs. Mogford, UNIT ACCESS TO COURTS. DATE: 8-9-11
(Name and title of official)

ADDRESS: CN Law Library

ECT: State briefly the problem on which you desire assistance.

May I please have a time-cut/commutation packet
from you? Thank you for your time and attention in this
matter.

- Sincerely,

Austin D. Eversole

NAME: EVERSOLE, AUSTIN D. No: 1626507 Unit: CN/005
Quarters: 1TANK-33 BUNK Work Assignment: 1/5 YARD

POSITION: (Inmate will not write in this space)

GO TO
LAW
LIBRARY

TEXAS DEPARTMENT OF CRIMINAL JUSTICE — INSTITUTIONAL DIVISION

INMATE REQUEST TO OFFICIAL

REASON FOR REQUEST: (Please check one)

PLEASE ABIDE BY THE FOLLOWING CHANNELS OF COMMUNICATION. THIS WILL SAVE TIME, GET YOUR REQUEST TO THE PROPER PERSON, AND GET AN ANSWER TO YOU MORE QUICKLY.

☐ Unit Assignment, Transfer (Chairman of Classification, Administration Building)

☐ Restoration of Lost overtime (Unit Warden-if approved, it will be forwarded to the State Disciplinary Committee)

☐ Request for Promotion in Class or to Trusty Class (Unit Warden- if approved, will be forwarded to the Director of Classification)

☒ Clemency-Pardon, parole, early out-mandatory supervision (Board of Pardons and Paroles, 8610 Shoal Creek Blvd. Austin, Texas 78757)

5. ☐ Visiting List (Asst. Director of classification, Administration Building)

6. ☐ Parole requirements and related information (Unit Parole Counselor)

7. ☐ Inmate Prison Record (Request for copy of record, information on parole eligibility, discharge date, detainers-Unit Administration)

8. ☐ Personal Interview with a representative of an outside agency (Treatment Division, Administration Building)

TO: Board of Pardons and Paroles
(Name and title of official)

DATE:

8-3-11

ADDRESS: 8610 Shoal Creek Blvd., Austin, Tx 78757

Austin D. Eversole, #1626507
Clemens Unit
11034 S. Hwy 36
Brazoria, Tx 77422

United States District Court
Office Of The Clerk
Northern District Of Texas
1100 Commerce-Room 1452
Dallas, Tx 75242-1495

January 10, 2012


RE: Cause No 3:11-cv-1478; Austin Dylan Eversole V. Rick Thaler.

Dear Clerk:

Enclosed are exhibits 1 through 6. Please file these documents and bring them to the attention of the Court.

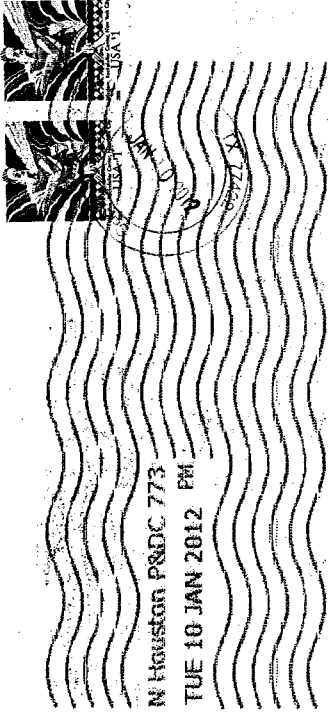
Please advise me when the Court sets this for hearing. Thank you for your time.

Respectfully,


Austin Eversole

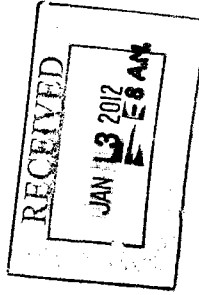
Enclosures

Austin D. Eversole, #1626507
Clemens Unit
11034 S Hwy 36
Brazoria, TX 77422



N Houston P&DC 773
TUE 10 JAN 2012 PM

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
1100 COMMERCE — ROOM 1452
DALLAS, TX 75242-1495



LEGAL MATERIAL
ENCLOSED